

JP:JSR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1111

- - - - - X

UNITED STATES OF AMERICA

- against -

VICTOR ANTONIO CHECO,
also known as
"Victor Antonio Checo-Mota"
and "Richard G. Jimenez,"

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(1))

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW LEW, being duly sworn, deposes and states that
he is a Deportation Officer with Immigration and Customs
Enforcement, duly appointed according to law and acting as such.

On or about July 12, 2010, within the Eastern District
of New York, the defendant VICTOR ANTONIO CHECO, also know as
"Victor Antonio Checo-Mota" and "Richard G. Jimenez," an alien
who had previously been deported from the United States after a
conviction for a felony, was found in the United States without
the Secretary of the United States Department of Homeland
Security having expressly consented to such alien's applying for
admission.

(Title 8, United States Code, Sections 1326(a) and
1326(b)(1)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer of Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On July 12, 2010, the defendant VICTOR ANTONIO CHECO, also know as "Victor Antonio Checo-Mota" and "Richard G. Jimenez," was arrested by the New York City Police Department, 104th Precinct, Queens, New York for Operating a Motor Vehicle .08 of 1% Alcohol or More in Blood in the 1st degree in violation of New York Vehicle and Traffic Law section 1192(2), a misdemeanor. The defendant was arrested under the name "Richard G. Jimenez."

3. The New York City Police Department ran a criminal history report after the July 12, 2010 arrest and found that the defendant had been previously convicted of Criminal Possession of

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

a Controlled Substance in the 2nd degree in violation of section 220.18 of the New York Penal Law, a felony, on February 23, 1990.

4. The defendant was deported from the United States to Dominican Republic on July 7, 1994 under the name of "Victor Antonio Checo-Mota."

5. On July 12, 2010, the New York City Police Department notified ICE that the defendant was in its custody.

6. ICE compared the defendant's fingerprints from his July 12, 2010 arrest, the fingerprints from the February 23, 1990 conviction and the July 7, 1994 deportation and determined they were all made by the same individual.

7. A preliminary search of the files of ICE has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security, successor to the Attorney General, to reapply for admission.

WHEREFORE, your deponent respectfully requests that the defendant VICTOR ANTONIO CHECO, also know as "Victor Antonio Checo-Mota" and "Richard G. Jimenez," be dealt with according to law.



Matthew Lew
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
23rd day of September, 2010

STEVEN M. GOLD
UNITED STATES CHIEF MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK